

Notice of Allowability

Application No.

09/594,922

Examiner

Arthur L Corbin

Applicant(s)

ROUSSELL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-30-03 amendment and remarks.
2. ☒ The allowed claim(s) is/are 1-22, 24-28, 35-39, 41 (renumbered 1-33).
3. ☒ The drawings filed on 6-15-00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Falcoff on December 22, 2003.
3. In claim 1: line 2, change "texturization" to—texturized--; after "aerated" add—fish—and after "fibrous" add—fish--; line 3, change "with" to--; each fibre having--; line 7, change "an" to—the--; line 8, change "with diameters" to—each having a diameter--; change "an" to—the—and change ", ... which" to—and wherein at least some of the fibres--. In claim 27 (renumbered claim 2): line 1, change "Fish" to-A fish--; line 3, change "texturization" to—texturized--; line 8, cancel the comma, line 9, before "at" add—wherein—and change "having" to—have—and last line, before "configuration" add—network--. In claim 4 (renumbered claim 3), lines 1-2, change "final...are" to—the product is—and change "weigh" (line 2) to—weighs--. In claim 6 (renumbered claim 5), before "product" add—fish based food--. In claim 7 (renumbered claim 6): line 1, before "paste" add—the fish—and lines 3-4, cancel ", at a rate...material,". In claim 8 (renumbered claim 18), step c: line 1, add a comma after "meat" and line 3, change "transferred" to—extruded—and after "a" add—fish based food--. In claim 14 (renumbered claim 24), last line, change "or" to—and--. In claim 16 (renumbered claim 7), after "and" add—then—and line 8, change "reduction of the cooked" to—reducing

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the cooled--. In claim 19 (renumbered claim 10), line 4, after "process" add--further--.

In claim 25 (renumbered claim 26), line 1, change "wherein" to--further comprising-- and line 2, cancel "of" (1st occurrence) and before "is" add--which--. In claim 27 (renumbered claim 15), line 6, after "and" add--then--. In claim 27 (renumbered claim 16): line 3, change "forms" to--shapes--, change "is" to--being--, cancel "at least one of" and change "and" to--and/or--; and line 4, cancel the comma. In claim 28 (renumbered claim 17), line 5, change "leads to" to--results in--. In claim 35 (renumbered claim 28): line 2, after "a" add--fish--; line 4, change "with" to-- , each fibre having--; line 6, change "to" to--and--; line 8, after "ramified" add--network--and after "and" add--wherein--; and line 9, cancel "c." and change "having" to--has--. In claim 36, (renumbered claim 29): line 2, after "a" add--fish--; line 5, cancel "as...level"; line 6, after the semicolon add--and wherein--and line 7, cancel "c." and change "having" to--has--. Cancel claim 40.

4. In the specification, page 1, before the first line, add--This application claims benefit of 60/283,164, filed April 12, 2001--.

5. In the title of the application, change "Related Process" to--Process For Making--.

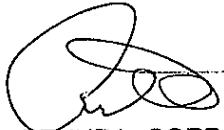
6. Any inquiry concerning this communication from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can generally be reached on Tuesday--Friday from 10 a.m. to 7:30 p.m. and on alternate Mondays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application is assigned is (571) 273-1390.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.

A. Corbin/dh
January 7, 2004



ARTHUR L. CORBIN
PRIMARY EXAMINER

1-8-04